

REMARKS

Claims 1-24 are pending and stand rejected.

Applicant understands that the rejections in the May 25, 2007 Office Action under 35 USC 101 and under 35 USC 112, first and second paragraphs have been withdrawn.

The Office Action rejected claims 1, 3, 4, 6, 8, 9, 11-12, 14, 16, 17, 19, 20, 22, and 24 under 35 USC 103(a) as being unpatentable over United States Patent Publication 2003/0123466 (hereinafter “Somekh”). Office Action at 2.

With respect to claim 1, the Office Action states:

Somekh does not specifically state that the gateway generates break packet upon receiving at least in part of acknowledgement messages, Somekh teaches the gateway receiving the break frame notifies the other gateway (see Somekh paragraph 218). Meanwhile the gateway receiving break from modem, it generates break packet as notification to other gateway; therefore gateway does not wait for all acknowledgement messages to come back before generating and sending break packet to other gateway. Office Action at 4.

Applicant respectfully disagrees. As Applicant understands it, the Office Action reflects a misinterpretation of the phrase “(e) generating pause messages at the second gateway based at least in part on the reception of acknowledgement messages by the second gateway” (emphasis added). The Office Action appears to have interpreted the underlined portion of the phrase to require that the pause messages be generated and sent without “wait[ing] for all acknowledgement messages to come back.” Office Action at 4. This is not a correct interpretation. There is a difference between “based at least in part on the reception of acknowledgement messages,” as required by claim 1 (see paragraph [0025] and Fig. 6 of the instant application for an example) and “without waiting for all acknowledgement messages to come back.”

Using the proper interpretation, Somekh does not teach or suggest generating pause messages based at least in part on the reception of acknowledgement messages by the second

gateway. First, Somekh does not teach or suggest that Somekh's "break frames" are pause messages as required by claim 1. The Office Action does not address that issue.

Second, Somekh's gateway transmits a break frame to the other gateway upon receipt of a break frame. Somekh [0218] ("when during transmission of data a break frame . . . is received from one of the end modems 32A or 32B, the gateway 36 receiving the break frame notifies the other gateway in addition to responding to the break frame as required by the protocol used"). Somekh does not teach or suggest generating a break frame based at least in part on receiving acknowledgements messages from the end modems. Therefore Somekh does not teach or suggest generating pause messages based at least in part on the reception of acknowledgement messages by the second gateway, as required by claim 1.

For those reasons, claim 1 is not obvious in light of Somekh. The same argument applies to independent claims 9 and 17. Claims 3, 4, 6, 8, 11-12, 14, 16, 19, 20, 22, and 24 depend from one of claims 1, 9, and 17 and are patentable for at least the same reasons. Applicant respectfully requests that these rejections be withdrawn.

The Office Action rejected claims 2, 7, 10, 15, 18, and 23 under 35 USC 103(a) as being unpatentable over Somekh in view of United States Patent Publication 2004/0196785 ("Janakiraman"). Office Action at 15. Claims 2, 7, 10, 15, 18, and 23 depend from one of independent claims 1, 9, and 17. The Office Action uses the rationale described above in these rejections and does not assert that Janakiraman provides the element that is missing from claims 1, 9, and 17. Office Action at 15. Therefore, the Office Action's combination of Somekh and Janakiraman would be missing the same element. Consequently, claims 2, 7, 10, 15, 18, and 23 are patentable over the Office Action's combination of Somekh and Janakiraman. Applicant respectfully requests that these rejections be withdrawn.

The Office Action rejected claims 5, 13, and 21 under 35 USC 103(a) as being unpatentable over Somekh in view of United States Patent Publication 2002/0075873 (“Lindhorst-ko”). Office Action at 18. Claims 5, 13, and 21 depend from one of independent claims 1, 9, and 17. The Office Action uses the rationale described above in these rejections and does not assert that Lindhorst-ko provides the element that is missing from claims 1, 9, and 17. Office Action at 18. Therefore, the Office Action’s combination of Somekh and Lindhorst-ko would be missing the same element. Consequently, claims 5, 13, and 21 are patentable over the Office Action’s combination of Somekh and Lindhorst-ko. Applicant respectfully requests that these rejections be withdrawn.

SUMMARY

Applicant contends that the claims are in condition for allowance, which action is requested. Applicant does not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicant requests that the fees be debited from deposit account number 50-4370.

Respectfully submitted,

/Howard L. Speight/

Howard L. Speight

Reg. No. 37,733

9601 Katy Freeway

Suite 280

Houston, Texas 77024

(713) 881-9600 (phone)

(713) 715-7384 (facsimile)

howard@hspeight.com

ATTORNEY FOR APPLICANTS

Date: February 28, 2008